

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
JUNE 2, 1965

This regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, June 2, 1965, in the City Hall Council Chambers,

ROLL CALL Present: Councilmen - BROWN, CULBERTSON, DOW, WALTON
and KIRSTEN (Mayor)

Absent: Councilmen - None

Also present: City Manager Glaves, Administrative Assistant Peterson, Planning Director Schroeder, and City Attorney Mullen.

MINUTES Minutes of May 19, 1965 were approved as written and mailed on motion of Councilman Brown, Walton second.

PUBLIC HEARINGS

DOW APPEAL -
REZONING SW
CORNER OF HAM
AND ELM TO C-1

ORD. NO. 792
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Kirsten called for public hearing on the appeal of Mr. Hugh A. Dow from the decision of the City Planning Commission in denying his request for a change in zoning from the R-1 One-Family Residential District to the C-1 Neighborhood Commercial District for property located at the southwest corner of Ham Lane and Elm Street. Councilman Dow withdrew from consideration of the appeal because of personal interest. Mr. Hugh A. Dow spoke in behalf of his appeal, stating that the zoning adjustment granted by the Planning Commission to expand the non-conforming use was unrealistic. He felt the Planning Commission had acted in good faith, but had not solved the problem. Mr. Dow wants to expand and develop his property, but does not consider it equitable to be required to put in the improvements as a non-conforming use. Other nurseries have C-1 zoning and with C-1 zoning he would be ready to beautify his property, provide off-street parking, etc. A drawing of the proposed development was shown. Mr. Dow said he would meet the requirements of the City, putting in the cul-de-sac at the end of Wellington Way, installing improvements along Elm Street and placing screening along Ham Lane. However he objected to erecting a solid masonry fence, stating he felt it would not be in keeping with the proposed development. There was no opposition to the appeal, either written or oral. Councilman Culbertson expressed concern that service stations were permitted in C-1 zones and said something was needed to prevent the property being used for service stations or other undesirable uses. After discussing the purpose and requirements of C-S zoning, (which is across from the Dow property on Elm Street), the Council was agreed that it would not be suitable to rezone the Dow property to C-S. C-1 zoning was felt to be the proper classification. Councilman Walton moved that the Dow property be zoned to C-1 subject to erection of a screening fence on Ham Lane; completion of the cul-de-sac for Wellington Way; installation of street lights and one-half of the street improvement on Elm Street; installation of curb, gutter and sidewalk on Ham and Elm; and that a use permit be required for a service station. Councilman Brown said some of those requirements were already covered by ordinance. There was no second to the motion. Councilman Walton then moved the introduction of Ordinance No. 792 rezoning the Dow property at the southwest corner of Ham Lane and Elm Street to C-1. His motion was seconded by

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Councilman Culbertson and carried by the following vote:

AYES: Councilmen - Brown, Culbertson, Walton and Kirsten

NOES: Councilmen - None

ABSTAIN: Councilmen - Dow

FOUNTAIN AT
AMERICAN
LEGION PARK

Mr. Fred Muther, Commander, Lodi Post No. 22, The American Legion, informed the Council that the fountain at American Legion Park had been completed and it was a pleasure to the Post to present it to the City. He said the Council would be notified of the date for dedication. Mayor Kirsten expressed his personal thanks and those of the other citizens of Lodi. The City Manager stated he had authorized the staff to install sidewalk around the fountain.

STUDY RE USE
PERMITS FOR
SERVICE
STATIONS

Councilman Culbertson moved that the Planning Commission be requested to study the zoning ordinance for the purpose of requiring a use permit in a C-1 zone for certain uses such as service stations. His motion was seconded by Councilman Brown and carried unanimously.

PLANNING COMMISSION

FINAL MAP -
LAKEWOOD #3

The final map of Lakewood Subdivision Unit No. 3 was presented to the Council for approval. All provisions of the subdivision ordinance have been met. Mr. Graves said the subdivider wishes to install the water lines, storm sewers and sanitary sewers. On motion of Councilman Brown, Walton second, the final map of Lakewood Subdivision Unit No. 3 was approved. Councilman Brown then moved that the subdivider be permitted to install the utilities. His motion was seconded by Councilman Walton and carried.

SOLID
MASONRY
FENCE

The Planning Commission recommended that the C-P, C-1 and C-2 zones be amended so as to require that lots in such zones which are adjacent to a residential zone be screened with a solid masonry fence six feet in height for the length of the boundary line between the two districts, excluding the required front yard or street side yard where the property shall be landscaped or screened by a three and one-half foot solid masonry fence. Some of the Council expressed opposition to a solid masonry fence and asked the City Attorney if the hearing had to be set on the Planning Commission recommendation only or if the Council could include other types of fencing. Councilman Brown moved that the matter be continued to the next meeting for a report from the City Attorney. His motion was seconded by Councilman Brown and carried, with Councilman Culbertson voting no. (See Page 227 re Public Hearing)

PC ACTIONS

The Planning Commission denied the Commission-initiated proposal to rezone the Hugh A. Dow property at the southwest corner of Ham Lane and Elm Street from R-1 to C-S Commercial-Shopping District.

COMMUNICATIONS

CLAIM FOR
DAMAGES -
McCROREY

A claim was read from Donald L. McCrorey on behalf of his minor daughter whom he claimed was injured at Lodi Lake Park. On motion of Councilman Brown, Walton second, the City Council rejected said claim and referred it to the City's Agent of Record.

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APPLICATION
TO FILE CLAIM -
McCARVER

An application was received from Mr. Leo McCarver on behalf of his minor son for leave to file claim pursuant to Section 911.4 of the Government Code, claiming that the son had been injured on June 12, 1964, while playing ball under the direction of the Lodi Recreation Department. On motion of Councilman Walton, Brown second, the Council rejected the application to file the claim and referred said application to the City's Agent of Record.

D. W. DAVIS
RE R/W ON
PLEASANT S OF
LOCKEFORD ST

Mr. Graves presented the appeal of Mr. D. W. Davis from condition No. 2 of the use permit allowing the erection of a car wash on Mr. Davis' property at the southwest corner of Pleasant Avenue and Lockeford Street. This condition requires the dedication of right of way on Pleasant Avenue. The City Code requires the dedication and improvement of the street before a building permit is issued. Mr. Davis is objecting to dedeed ten feet to the City although he is willing to install the sidewalk for public use. At present his property line along Pleasant Avenue is at the back of the curb. Mr. Ben Schaffer, representing Mr. Davis, reported that Mr. Davis is willing to comply with all conditions of the use permit except for the dedication of the ten feet which he does not want to do as a matter of principle, particularly since Pleasant Avenue will not be widened. City Attorney Mullen stated that the City has been occupying the property in question with pole lines for a considerable length of time and therefore the City can be said to have adverse possession. There will be no physical change to the property if it is dedicated to the City and the City Attorney recommended that Mr. Davis' request be allowed as there will be no ultimate widening of the street. With the understanding that the City in no way relinquishes any rights which the public may have in the ten feet in question by reason of the public's use and occupation thereof for more than ten years last past, it was moved by Councilman Brown, Dow second, that the use permit for the car wash at the southwest corner of Pleasant Avenue and Lockeford Street be granted subject to all the conditions required by the Planning Commission except for the dedication of right of way on Pleasant Avenue. The motion carried, with Councilman Culbertson voting no.

THANKS RE
LODI LAKE
PARK

A letter was received from the Coffee Cup Net, a group of radio amateurs, thanking the City for the use of Lodi Lake Park and its facilities and also thanking Mr. Orest Merry, Parks Supervisor, and Mr. Bob Baker, Park Patrolman, for their services.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$128,474.59 were approved on motion of Councilman Dow, Culbertson second.

AWARD -
1965 CURB,
GUTTER, AND
SIDEWALK

Only one bid was received for the 1965 curb, gutter, and sidewalk replacement program. The bid was from William Burkhardt for the sum of \$6,234. This bid is below the City Engineer's estimate and Mr. Graves recommended that award be made. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2824 awarding the contract for the 1965 curb, gutter and sidewalk program to William Burkhardt in accordance with his bid.

RES. NO. 2824
ADOPTED

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E. LODI AVE.
WIDENING -
E. LODI AVE.
STREET LIGHTS

RES. NO. 2825
ADOPTED

The following bids were received for the East Lodi Avenue Widening:

A. Teichert & Son	\$135,182.57
Claude C. Wood Company	\$119,607.09

The City Manager recommended the award be made to the low bidder. On motion of Councilman Culbertson, Walton second, the City Council adopted Resolution No. 2825 awarding the contract to Claude C. Wood Company for \$119,607.09. Mr. Graves stated the portion of the project covering the installation of street lights amounted to \$7,500 which was above the original estimate. Since this is not a typical lighting district, he recommended that the City stand the portion of the lighting district expense which would be over \$1.50 per front foot, which was the estimate given to the property owners. Councilman Dow moved that if the cost of the street lights on East Lodi Avenue exceeded \$1.50 per front foot, anything over that amount be paid for by the City. His motion was seconded by Councilman Culbertson and carried unanimously.

REMOVAL OF
SIGN ON E.
LODI AVE.

Mr. Graves stated that no agreement has been reached on the removal of the sign at Mert's Alinement at 230 East Lodi Avenue. Mert leases the sign which is in the street right of way. On motion of Councilman Culbertson, Dow second, the sign was declared a public nuisance and the City Attorney and Director of Public Works were directed and authorized to abate said nuisance by removal of the sign.

SIDEWALK
INSTALLATION

RES. NO. 2826
ADOPTED

As a part of the widening of East Lodi Avenue, curb, gutter and sidewalk are being replaced. There are five parcels which do not have sidewalk at present and Director of Public Works Jones recommends that steps be taken requiring the property owners to install sidewalk. A form letter to such property owners, prepared by the Director of Public Works, was shown to members of the Council. Mr. Jones also recommends inclusion of a parcel at the northeast corner of Lincoln Avenue and Turner Road which is without sidewalk. On motion of Councilman Dow, Culbertson second, the City Council adopted Resolution No. 2826 directing the Superintendent of Streets to proceed to give notice in accordance with the Streets and Highways Code to owners of property on East Lodi Avenue and at the corner of Lincoln Avenue and Turner Road where there is no sidewalk, for the installation thereof.

1965-66
OPERATING
BUDGET

Mr. Graves reviewed his letter of June 2, 1965 covering the 1965-66 Operating Budget. He said the City was going through a period of transition in getting out of subdivision work, the proposed budget being based on the assumption that City crews will be doing no subdivision work after July 1.

SCREENING
REQUIREMENTS
SET FOR
PUBLIC HEARING

In regard to the Planning Commission's recommendation that the Code be amended to require a solid masonry fence between property in C-P, C-1 and C-2 zones which are adjacent to residential zones, City Attorney Mullen said the Council had asked the Planning Commission for a report on screening fence and would have to hold a public hearing on the Planning Commission's recommendation. He stated that if the Council changed the Planning Commission's recommendation, it should be referred back to the Commission. Councilman Culbertson stated that certain building permits were being held up

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until screening requirements were adopted and he moved to set for public hearing on June 16, 1965, the proposal of the Planning Commission, adding "wooden or living screening" between the words "solid masonry" and "fence." His motion was seconded by Councilman Dow and carried.

DEATH OF
HAROLD DUTTON

Mayor Kirsten expressed regret concerning the death of Harold Dutton who had served the City for the past 24 years and suggested that a resolution of condolences be sent to his family. On motion of Councilman Culbertson, Dow second, the City Council ordered condolences sent to the Harold Dutton family.

BOND
ELECTION

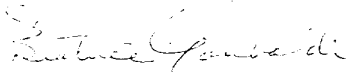
Referring to the June 8 Special Bond Election, Mayor Kirsten said the Citizens Bond Committee had gone all out to make the needs of the community known to the voters. He asked that the Council show its solidarity by appearing at the rally which was to be held at the Stokely-Van Camp Cannery on June 8. All members of the Council were able to go except Councilman Walton who had to be in Court on that day. Councilman Walton said he was behind the bond issue 100% and would give the Mayor a statement to be read at the rally.

YOUTH
OPPORTUNITY
MONTH

On motion of Councilman Walton, Dow second, the Council approved issuance of a proclamation by the Mayor declaring the month of June "Youth Opportunity Month."

ADJOURNMENT

There being no further business, the City Council adjourned to June 9, 1965 on motion of Councilman Dow, Walton second.


Attest: BEATRICE GARIBALDI
City Clerk